



02-O-0361

**AN ORDINANCE BY COUNCILMEMBER DERRICK BOAZMAN
AS SUBSTITUTED BY FINANCE EXECUTIVE COMMITTEE**

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE FROM THE TRUST FOR PUBLIC LAND APPROXIMATELY 57 ACRES IN THE CITY OF ATLANTA KNOWN AS THE SWANN PRESERVE, WHEREAS THE TOTAL PRICE OF ACQUISITION IS \$200,000 AND ASSOCIATED DUE DILIGENCE COST IS ESTIMATED TO BE LESS THAN \$50,000, GIVING A TOTAL PROJECT BUDGET OF \$250,000; FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION, THE SUPPLEMENTAL ENVIRONMENTAL PROJECT PURSUANT TO THE CONSENT DECREE, AND THE URBAN DEVELOPMENT ACTION GRANT; AND FOR OTHER PURPOSES.

WHEREAS, The Trust for Public Land has offered to sell approximately 57 acres to the City for the purposes of providing public greenspace, furthering the goals of the Supplemental Environmental Project (SEP) which the City has entered into pursuant to the Consent Decree with the United States EPA and other parties, as well as the goals of the Georgia Greenspace Program, and for affordable housing development; and

WHEREAS, the 1993 Parks, Open Space, and Greenways Plan and the Comprehensive Development Plan (CDP) express the future intent of the City to acquire the tract of land for use as public greenspace and greenway trails as part of the proposed Southtowne Trail and Greenway Corridor; and

WHEREAS, the property is a priority one stream segment identified in the City of Atlanta Greenway Acquisition Project under the Consent Decree SEP; and

WHEREAS, the total price of acquisition is \$200,000 and associated due diligence cost is estimated to be less than \$50,000 giving a total project budget of \$250,000; and

WHEREAS, there are various funding sources available to the City of Atlanta for greenspace acquisition and conservation and affordable housing development that include but are not limited to Georgia Greenspace monies for the purchase of Tract 1, Greenway Acquisition Project funds under the SEP to the 1998 Consent Decree for the purchase of Tract 2, and Urban Development Action Grant (UDAG) for the purchase of Tract 3, which may require that the City subdivide the property at closing in order to record the various easements and conditions which may be imposed as a condition for the use of certain funding sources; and

WHEREAS, a final survey is required in order to complete due diligence procedures for acquisition, and such survey will be attached as Exhibit A to this ordinance upon completion and acceptance by the Director of the Bureau of Purchasing and Real Estate; and



WHEREAS, The Trust for Public Land has agreed to allow a Tract 3 as shown on the survey in Exhibit A to be used for development of housing in order to provide better public access and security to the property, pending appropriate public input by Southeast Atlanta residents; and

WHEREAS, the UDAG Fund has been identified as a funding source for the acquisition and associated disposition cost of Tract 3 to promote the development of affordable housing in the Southeast Atlanta area;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: The Director of the Bureau of Purchasing and Real Estate (the "Purchasing Agent") is hereby authorized to purchase from The Trust for Public Land approximately 57 acres of real property otherwise known as the Swann Preserve ("the Property") as shown and described in the attached Exhibits, and to subdivide the property as shown in the three legal descriptions.

SECTION 2: In order to effectuate the purchase described in Section 1, it is necessary that the 2002 (Trust fund) Budget, be and is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

3P02	Y12Q0275A690	Economic Development (99)	
	79*****	APPROPRIATIONS	\$ 75,000.00

TRANSFER TO APPROPRIATIONS

3P02	Y52U0302A690	Southtowne Acquisition for Affordable Housing	
	771001	PURCHASE OF LAND	\$ 60,000.00
	724001	CONTRACT PROF. SERVICES	15,000.00
			<u>\$ 75,000.00</u>

SECTION 3: The funds expended for the purchase shall not exceed \$250,000 in total, inclusive of \$200,000 for land cost as well as due diligence costs not to exceed \$50,000, said funds to be paid from the following five Fund Account Center combinations, based upon the following partition of appropriations:

<u>Fund</u>	<u>Account</u>	<u>Center</u>	<u>Title</u>	<u>Amount</u>
1B02	571001	Y63D1001KTA0	Southtowne Trail & Greenway Corridor Acquisition	\$100,000.00
3P02	571001	T31I02549999	Consent Decree for Greenway Acquisition	\$ 60,000.00
2J26	524001	M51I04019999	Consultant/Professional Services	15,000.00
3P02	571001	Y52U0302A690	Southtowne Acquisitions for Affordable Housing Acquisition	\$ 60,000.00
3P02	524001	Y52U0302A690	Consultant Services	15,000.00
			TOTAL	<u>\$ 250,000.00</u>



SECTION 4: The Purchasing Agent is hereby directed to secure a land survey, for the purpose of dividing the property into 3 tracts as described in the attached Exhibits said services to be charged to and paid from the following fund/account/center: FAC: 1B02 571001 Y63D1001KTA0 (Tract 1), FAC: 2J26 524001 M51I04019999 (Tract 2), and FAC: 3P02 524001 Y52U0302A690 (Tract 3) in an amount not to exceed \$50,000 in total with the charge to each account based on the size of the tract in relation to the total acreage of the Property.

SECTION 5: The deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the funding programs and the Purchasing Agent shall develop such language in consultation with the City Attorney and the Commissioner of the Department of Planning, Development, and Neighborhood Conservation prior to closing.

SECTION 6: All future proceeds, less development cost, that result from any future sale of Tract 3 shall be placed in an appropriate fund, account and cost center to be designated at a future date prior to that closing. Such funds are hereby specifically designated for maintenance and/or further acquisition of greenspace property in the South River Drainage Basin within the City of Atlanta.

SECTION 7: Because of the unique nature of the transaction the Purchasing Agent is hereby authorized to execute the purchase without further action by Council.

SECTION 8: The Purchasing Agent on behalf of the Department of Planning Development and Neighborhood Conservation is hereby authorized to issue a Request for Proposals for the development of affordable housing units on Tract 3.

SECTION 9: In the event the City chooses not to develop Tract 3, the land will be dedicated for Southtowne Trail and Greenway Corridor public park purposes and other greenspace program funds will reimburse the UDAG Fund for all documented costs incurred.

SECTION 10: The Trust for Public Land shall not receive any brokerage or real estate fees for this transaction.

SECTION 11: The contractual agreement shall not become binding on the City and the City shall incur no liability until such contract has been executed by the Mayor and delivered to the contracting party.

SECTION 12: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 18, 2002
MAR 26, 2002



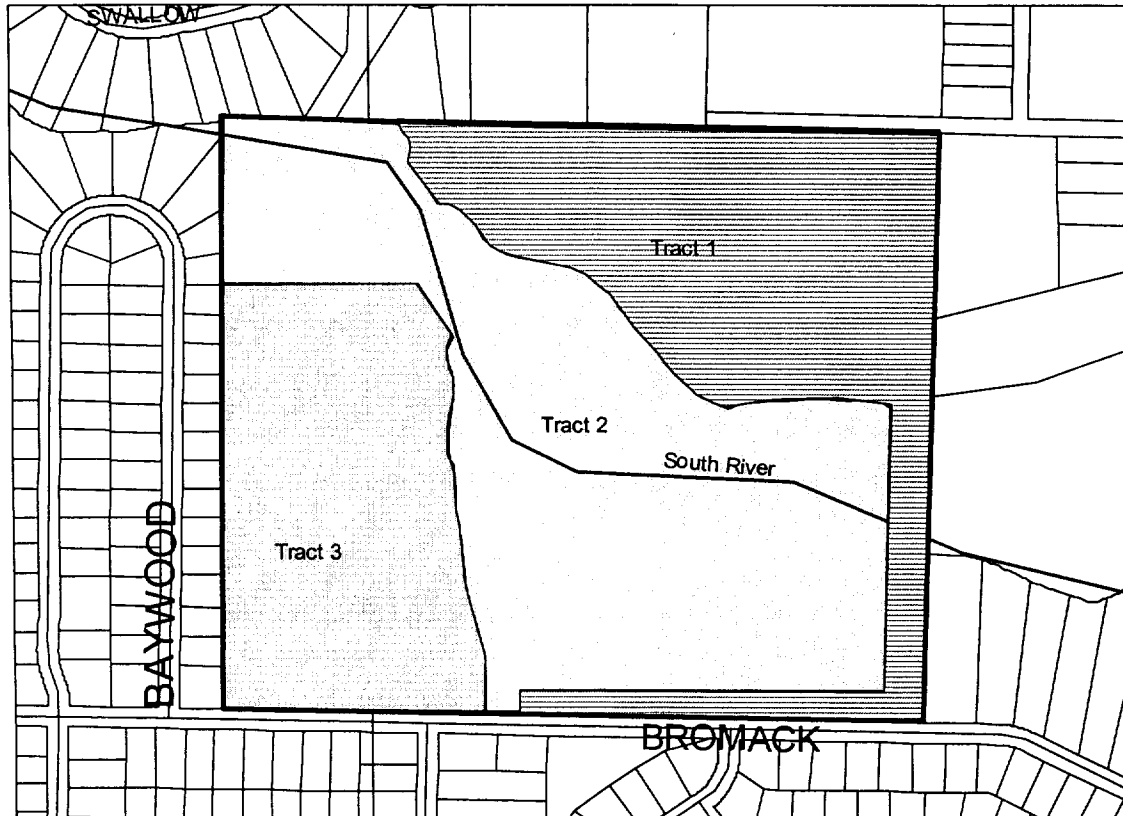
Exhibit A

Land Survey



CORRECTED COPY

Exhibit A
Swann Preserve Property Division



Not to scale





CORRECTED COPY

Legal Description

TRACT ONE – Greenway Acquisition

Bromack Drive - City of Atlanta

ALL That tract or parcel of land lying or being in Land Lot 59, of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way line of Baywood Drive (50' r/w) and the northerly right-of-way line of Bromack Drive (50' r/w) said point being the POINT OF COMMENCEMENT;

THENCE proceed along the said northerly right-of-way line of Bromack Drive South 88°58'12" East, a distance of 111.0 feet to a point;

THENCE leaving the said northerly right-of-way line and proceed along the easterly line of Baywood Subdivision North 00°48'51" East, a distance of 903.99 feet to a point;

THENCE continuing along the said easterly line of Baywood Subdivision North 00°48'51" East, a distance of 127.63 feet to an iron pin found, a 1-1/2" rebar;

THENCE continuing along the said easterly line North 02°32'53" East, a distance of 189.63 feet to an iron pin found, a 1/2" open top pipe;

THENCE continuing along the said easterly line North 00°31'27" East, a distance of 215.82 feet to a point in the center of South River (more or less);

THENCE leaving the said easterly line of Baywood Subdivision South 89°06'20" East, a distance of 400.42 feet to a point on the 100-year flood line of South River, said point being the POINT OF BEGINNING;

THENCE South 89°06'20" East, a distance of 458.34 feet to an iron pin found, a 1" open top pipe;

THENCE South 89°11'52" East, a distance of 291.03 feet to an iron pin found, a 1" open top pipe;

THENCE South 89°24'14" East, a distance of 574.51 feet to a point;

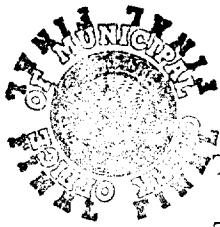
THENCE South 00°53'12" West, a distance of 1444.53 feet to a point on the northerly right-of-way line of Bromack Drive (50' r/w);

THENCE along the said northerly right-of-way line of Bromack Drive North 88°58'12" West, a distance of 968.23 feet to a point;

THENCE leaving the said northerly right-of-way line of Bromack Drive North 00°31'27" East, a distance of 50.62 feet to a point;

THENCE South 88°52'06" East, a distance of 568.24 feet to a point;

THENCE North 82°39'00" East, a distance of 70.13 feet to a point;



CORRECTED COPY

THENCE North 86°40'00" East, a distance of 103.22 feet to a point;

THENCE South 79°00'00" East, a distance of 13.92 feet to a point;

THENCE North 36°35'00" East, a distance of 77.26 feet to a point;

THENCE North 24°22'00" East, a distance of 66.54 feet to a point;

THENCE North 89°08'00" East, a distance of 42.69 feet to a point;

THENCE North 00°53'12" East, a distance of 553.11 feet to a point on the 100-year flood line of South River;

THENCE proceeding along the said 100-year flood line of South River the following bearings and distances:

North 88°53'00" West, a distance of 44.93 feet to a point;

THENCE North 84°38'00" West, a distance of 319.00 feet to a point;

THENCE North 61°36'00" West, a distance of 158.00 feet to a point;

THENCE North 77°00'00" West, a distance of 84.87 feet to a point;

THENCE North 20°00'00" West, a distance of 82.00 feet to a point;

THENCE North 64°36'00" West, a distance of 65.00 feet to a point;

THENCE North 25°27'00" West, a distance of 70.00 feet to a point;

THENCE North 18°25'00" East, a distance of 25.00 feet to a point;

THENCE South 81°07'00" West, a distance of 32.00 feet to a point;

THENCE North 76°54'00" West, a distance of 87.00 feet to a point;

THENCE North 69°05'00" West, a distance of 110.00 feet to a point;

THENCE North 46°00'00" West, a distance of 134.00 feet to a point;

THENCE North 58°00'00" West, a distance of 85.00 feet to a point;

THENCE North 30°58'00" West, a distance of 65.00 feet to a point;

THENCE North 30°23'00" West, a distance of 100.00 feet to a point;

THENCE North 36°30'00" West, a distance of 81.00 feet to the POINT OF BEGINNING.

Containing 785,546 Square Feet or 18.03367 Acres, more or less.



CORRECTED COPY

Legal Description TRACT TWO – Greenway Acquisition Bromack Drive - City of Atlanta

ALL That tract or parcel of land lying or being in Land Lot 59, of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way line of Baywood Drive (50' r/w) and the northerly right-of-way line of Bromack Drive (50' r/w) said point being the POINT OF COMMENCEMENT;

THENCE proceed along the said northerly right-of-way line of Bromack Drive South 88°58'12" East, a distance of 111.0 feet to a point,

THENCE leaving the said northerly right-of-way line and proceed along the easterly line of Baywood Subdivision North 00°48'51" East, a distance of 903.99 feet to a point to the POINT OF BEGINNING;

THENCE continuing along the said easterly line of Baywood Subdivision North 00°48'51" East, a distance of 127.63 feet to an iron pin found, a 1-1/2" rebar;

THENCE continuing along the said easterly line North 02°32'53" East, a distance of 189.63 feet to an iron pin found, a 1/2" open top pipe;

THENCE continuing along the said easterly line North 00°31'27" East, a distance of 215.82 feet to a point in the center of South River (more or less);

THENCE leaving the said easterly line of Baywood Subdivision South 89°06'20" East, a distance of 400.42 feet to a point on the 100-year flood line of South River;

THENCE proceeding along the said 100-year flood line of South River the following bearings and distances:

South 36°30'00" East, a distance of 81.00 feet to a point;
THENCE South 30°23'00" East, a distance of 100.00 feet to a point;
THENCE South 30°58'00" East, a distance of 65.00 feet to a point;
THENCE South 58°00'00" East, a distance of 85.00 feet to a point;
THENCE South 46°00'00" East, a distance of 134.00 feet to a point;
THENCE South 69°05'00" East, a distance of 110.00 feet to a point;
THENCE South 76°54'00" East, a distance of 87.00 feet to a point;
THENCE North 81°07'00" East, a distance of 32.00 feet to a point;
THENCE South 18°25'00" West, a distance of 25.00 feet to a point;
THENCE South 25°27'00" East, a distance of 70.00 feet to a point;
THENCE South 64°36'00" East, a distance of 65.00 feet to a point;
THENCE South 20°00'00" East, a distance of 82.00 feet to a point;
THENCE South 77°00'00" East, a distance of 84.87 feet to a point;
THENCE South 61°36'00" East, a distance of 158.00 feet to a point;
THENCE South 84°38'00" East, a distance of 319.00 feet to a point;
THENCE South 88°53'00" East, a distance of 44.93 feet to a point;



CORRECTED COPY

Legal Description

**TRACT THREE – Greenway Acquisition
Bromack Drive - City of Atlanta**

ALL That tract or parcel of land lying or being in Land Lot 59, of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way line of Baywood Drive (50' r/w) and the northerly right-of-way line of Bromack Drive (50' r/w) said point being the POINT OF COMMENCEMENT;

THENCE proceed along the said northerly right-of-way line of Bromack Drive South 88°58'12" East, a distance of 111.0 feet to the POINT OF BEGINNING.

THENCE leaving the said northerly right-of-way line and proceed along the easterly line of Baywood Subdivision North 00°48'51" East, a distance of 903.99 feet to a point;

THENCE leaving the said easterly line of Baywood Subdivision South 89°11'09" East, a distance of 571.08 feet to a point on the 100 year flood line of South River;

THENCE proceeding along the said 100 year flood line of South River the following bearings and distances:

South 13°14'00" East, a distance of 45.29 feet to a point;

THENCE South 07°56'00" West, a distance of 87.00 feet to a point;

THENCE South 02°45'00" East, a distance of 61.00 feet to a point;

THENCE South 08°20'00" East, a distance of 152.00 feet to a point;

THENCE South 07°18'00" West, a distance of 149.00 feet to a point;

THENCE South 14°15'00" East, a distance of 138.00 feet to a point;

THENCE South 07°07'00" West, a distance of 89.00 feet to a point;

THENCE South 12°00'00" East, a distance of 78.00 feet to a point;

THENCE South 27°00'00" East, a distance of 135.16 feet to a point on the northerly right-of-way line of Bromack Drive (50' r/w);

THENCE along the said northerly right-of-way line North 88°58'12" West, a distance of 688.88 feet to the POINT OF BEGINNING.

Containing 544,485 Square Feet or 12.500 Acres, more or less.



THENCE leaving the said 100-year flood line and proceeding South 00°53'12" West, a distance of 53.11 feet to a point;

THENCE South 89°08'00" West, a distance of 42.69 feet to a point;

THENCE South 24°22'00" West, a distance of 66.54 feet to a point;

THENCE South 36°35'00" West, a distance of 77.26 feet to a point;

THENCE North 79°00'00" West, a distance of 13.92 feet to a point;

THENCE South 86°40'00" West, a distance of 103.22 feet to a point;

THENCE South 82°39'00" West, a distance of 70.13 feet to a point;

THENCE North 88°52'06" West, a distance of 568.24 feet to a point;

THENCE South 00°31'27" West, a distance of 50.62 feet to a point on the northerly right-of-way line of Bromack Drive (50' r/w);

THENCE proceeding along the said northerly right-of-way line North 88°58'12" West, a distance of 70.00 feet to a point on the 100-year flood line of South River;

THENCE leaving the said northerly right-of-way line of Bromack Drive and proceeding along the said 100 year flood line of South River the following bearings and distances:

North 27°00'00" West, a distance of 135.16 feet to a point;

THENCE North 12°00'00" West, a distance of 78.00 feet to a point;

THENCE North 07°07'00" East, a distance of 89.00 feet to a point;

THENCE North 14°15'00" West, a distance of 138.00 feet to a point;

THENCE North 07°18'00" East, a distance of 149.00 feet to a point;

THENCE North 08°20'00" West, a distance of 152.00 feet to a point;

THENCE North 02°45'00" West, a distance of 61.00 feet to a point;

THENCE North 07°56'00" East, a distance of 87.00 feet to a point;

THENCE North 13°14'00" West, a distance of 45.29 feet to a point;

THENCE leaving the said 100 year flood line of South River and proceeding North 89°11'09" West, a distance of 571.08 feet to a point to the POINT OF BEGINNING.

Containing 1,156,161 Square Feet or 26.54180 Acres, more or less.



EXHIBIT B

Legal Descriptions



EXHIBIT C

Proposed Expenditures

RECEIVED
APR 10 2002
MUNICIPAL CLERK

ID:

Rhonda Dauphin Johnson
Municipal Clerk

Re: 02-O-0361

Legislative ID Number (Ordinance/Resolution)

Mar 18, 02
Adoption Date

Mar 26, 02
Approval Date

FORM

☐ Councilmember

☐ Department Head

Name: _____

Dept/Bureau: _____

Council Staff/Municipal Clerk

E-Mail Address: _____

Telephone No: _____

Fax No: _____

Signature(s) of Councilmember and/or Department Head

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

Insert Exhibit A "Swann Preserve Property Division"

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
NV Young
Y Winslow

Y Archibong
Y Fauver
Y Shook
Y Muller

Y Moore
B Martin
Y Maddox
N Boazman

NV Mitchell
Y Norwood
Y Willis
NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0167
02-O-0458

CORRECTED COPY

CONSENT I

03/18/02 Council Meeting

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED
ON CONSENT
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSE
ON CONSENT
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445

02-0-0361

(Do Not Write Above This Line)

AN ORDINANCE

BY

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE FROM THE TRUST FOR PUBLIC LAND APPROXIMATELY 57 ACRES IN THE CITY OF ATLANTA KNOWN AS THE SWANN PRESERVE; FOR THE PURPOSE SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION, THE SUPPLEMENTAL ENVIRONMENTAL PROJECT PURSUANT TO THE CONSENT DECREE, THE QUALITY OF LIFE BOND, AND THE URBAN DEVELOPMENT ACTION GRANT; AND FOR OTHER PURPOSES.

SUBSTITUTE

ADOPTED BY

MAR 18 2002

COUNCIL

☐ CONSENT REFER☐ REGULAR REPORT REFER☐ ADVERTISE & REFER☐ 1st ADOPT 2nd READ & REFER

Date Referred 2/18/02

Referred To: Finance / Executive

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

COUNCIL ACTION

☐ 2nd

Readings

☐ 1st & 2nd☐ 3rd☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED

MAR 18 2002

Ruth Baylun Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

Hickory 2/28/02 mt

MAYOR